App. F. IX-4

Previous References
P.P 76-4-1-8

1930-31
(P.P/)

File No. 33/30
Serial Nos. 142

Later References

P11

General and Revenue Secretariat.

Serial Nos. 142

Part B for Sept. 1930

SUBJECT

Construction of Tramways, other than purely urban Tramways in Indian States.

General and Revenue Secretariat | PP File No. 33 of 1930

Serial No. 1

Letter 6090 Dated 1.8.1930 from The Secy to The Resident Forwd for information a copy of the resolution of the Govt of India in regard to the Construction of Railways in Indian States.

Subd with refces (P.P. 76-24-Sto1-8)

Copies of the resolution may perhaps be sent to The Secy to Govt for Railways, Secy PWD and The Secy to Govt Fin. Dept. ~~Dia. Indl Comm~~ for their info

2/8 (2) (May be recorded in a G.O.)

2/8 Copies sent as above

Chief Secy 2/8/30

(3) For perusal

Third Member 6/8

OFFICE OF THE THIRD MEMBER OF COUNCIL 6 AUG. 1930 No. 1346

(4) Seen 6/8/30

(5) Draft Sub

(The Director of P.C. who was previously consulted is also included)

Some more Officers' names are added subject to approval

12/8 15/8

Secy 15/8/30

Note Contd Sheet

Pol. 149

-----Enc. /
1906.

CB. 429

P.P. 33-30-1

Resident in Mysore.

the Government of

aharaja of Mysore.

Bangalore, the 1st August, 1930.

Construction of tramways, other than purely urban tramways, in Indian States.

Sir,

With reference to the correspondence ending with your letter No.809/P.P.76-24-8, dated the 24th March, 1925, I am directed to forward for the information of the Government of Mysore, a copy of the Resolution of the Government of India in the Foreign and Political Department, No.F.494-I/24, dated the 19th June, 1930, regarding the construction of tramways, other than purely urban tramways, in Indian States.

I have the honour to be,
Sir,
Your most obedient servant,

Major,
Secretary to the Resident.

ASB/31.7.

Annexure.

No. F.-494-I/24.

GOVERNMENT OF INDIA.

FOREIGN AND POLITICAL DEPARTMENT.

Dated the 19th June 1930.

RESOLUTON.

SUBJECT :—*Construction of tramways, other than purely urban tramways, in Indian States.*

The Government of India have had under consideration the question of the revision of the principles governing the construction of tramways, other than purely urban tramways, in Indian States. A summary of the existing principles was referred to the Standing Committee of the Chamber of Princes in January 1924 and as a result of discussion a revised summary was prepared which after being accepted by the Chamber of Princes in November 1924 was referred to Local Governments, Political Officers and Darbars for their views upon it. After receipt and consideration of these views, the summary was further amended and referred to the Standing Committee on the 15th September 1925 and 6th September 1926. The summary as amended by the Standing Committee on the 6th September 1926 was further amended by them in December 1927 and placed before the Chamber of Princes in February 1928, when it was proposed that it should be referred again for further consideration to the Standing Committee. It was accordingly again considered by the Standing Committee in January 1929, and, with certain amendments, was accepted by the Chamber of Princes. The Government of India are accordingly pleased, in supersession of their previous orders on the subject, to announce their policy in this matter for the future, as follows :—

The Indian States are entitled to construct tramways within their own territories subject to the following principles :—

I. If the tramway connects with any line of railway in such a manner as to permit of rolling stock being shunted from one to the other, it will be regarded as a railway and will be governed by the principles which apply to the construction of railways in Indian States.

II. The existence of a tramway will not debar the subsequent construction of a railway either by Government or by a State, even on approximately the same alignment, in accordance with the principles laid down in Foreign and Political Department resolution No. 202-I., dated the 6th December 1923, regarding the construction of railways in Indian States.

III. With regard to the claims for compensation against new tramways constructed after the date of the resolution for existing railways or tramways, the rules in force at present, will continue to operate.

IV. The compensation payable by new tramways constructed after the date of the resolution to railways or tramways constructed in future will be governed by the following rules :—

(*a*) A new tramway will not be called upon to pay compensation to a previously existing tramway or railway in the following cases :—

(*i*) Where the new tramway does not extend beyond the territories of the State which constructs it and is not connected with any tramway or railway in another State, except where there is a special agreement to the contrary.

(*ii*) Where a special agreement, legally applicable to the particular case under consideration, provides against the payment of such compensation.

(*b*) In the event of a new tramway, constructed either by Government or by a State and not exempted under preceding sub-clause (*a*), adversely affecting the interest of a previously existing railway or a tramway, the question of the compensation payable and the method of payment will be settled by mutual agreement between the Government of India and the State where Government is one of the affected parties (that is, where Government is the owner of the new tramway or of the adversely affected existing railway or tramway), or in case of a difference by arbitration. In the event of arbitration each party shall appoint an arbitrator. Should the arbitrators be unable to agree they shall appoint an umpire whose decision shall be final. If both or all parties affected are Indian States the question of compensation will be decided by the Government of India, or, if the States concerned agree, by arbitration, in accordance with the method detailed above.

V. It is understood that any State constructing a tramway will adopt and enforce proper regulations for the safe working of the line.

VI. The grant of sanction by a State for the construction of a tramway should be communicated to the Government of India, for their information.

C. C. WATSON,
Political Secretary to the Government of India.

Copy to—

(1) The Secretary to the Government of Bombay, Political Department,
(2) The Chief Secretary to the Government of Bengal,
(3) The Chief Secretary to the Government of the United Provinces,
(4) The Chief Secretary to the Government of the Punjab,
(5) The Chief Secretary to the Government of Bihar and Orissa,
(6) The Chief Secretary to the Government of the Central Provinces,
(7) The Chief Secretary to the Government of Assam,
(8) The Hon'ble the Resident in Mysore,
(9) The Hon'ble the Agent to the Governor General in Rajputana,
(10) The Hon'ble the Agent to the Governor General in Central India,
(11) The Hon ble the Agent to the Governor General in the States of Western India,
(12) The Hon'ble the Agent to the Governor General, Punjab States,
(13) The Agent to the Governor General, Madras States,
(14) The Resident at Baroda,
(15) The Resident in Kashmir,
(16) The Resident at Gwalior,
(17) The Political Officer in Sikkim,

for information and communication to

the States in	Bombay
	Bengal.
	the United Provinces.
	the Punjab.
	Bihar and Orissa.
	the Central Provinces.
the Manipur Darbar.	
the Mysore Darbar.	
the States in	Rajputana.
	Central India.
	the Western India States Agency.
	the Punjab States Agency.
	the Madras States Agency.
the Baroda Darbar.	
the Kashmir Darbar.	
the Gwalior Darbar.	
the Sikkim Darbar.	

Copy to—

(1) The Chief Secretary to the Government of Burma,

(2) The Hon'ble the Agent to the Governor General in Baluchistan,

(3) The Hon'ble the Chief Commissioner and Agent to the Governor General in the North-West Frontier Province,

(4) The Hon'ble the Resident at Hyderabad,

(5) The Chief Secretary to the Government of Madras,

(6) The Railway Department,-

for information.

Proceedings of the Government of

H.H. the Maharaja of Mysore.

***

Read:-

Printed as an annexure

Resolution No. F. 494-I/24 dated 19th June 1930 of the Government of India, Foreign and Political Department in regard to the construction of tramways, other than purely urban tramways, in Indian States, received with Residency letter No. 6090/251 1906 dated 1st August 1930.

ORDER NO. 751-71/PP33-30-2

DATED, BANGALORE, THE 15-16 AUGUST 1930

RECORDED.

For Chief Secretary to Government

To

The Agent, Mysore Railways.
" Chief Engineer in Mysore.
" Chief Electrical Engineer in Mysore.
" Director of Industries & Commerce.
" Revenue Commissioner in Mysore.
" Secretary, Board of Management, Mysore Iron Works, Bhadravati.
" Chief Conservator of Forests.
" Deputy Commissioners of Districts.
" Secretaries to Government.

1/8

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS

G. O. No. 751-71/P. P. 33-30-2 Dated Bangalore 15th August 1930.

The construction of tramways

Government of India Resolution regarding———in Indian States.

Read;—

Resolution * No.F.494-I/24 dated 19th June 1930 of the Government of India, Foreign and Political Department in regard to the construction of tramways, other than purely urban tramways, in Indian States, receivd with Residency letter No. 6090/251/1906 dated 1st August 1930.

ORDER NO.751-71/P.P.33-30-2 DATED THE 15TH AUGUST 1930.

Recorded.

N. MADHAVA RAO,
Chief Secretary to Government.

To—The Agent, Mysore Railways.
The Chief Engineer in Mysore.
The Chief Electrical Engineer in Mysore.
The Secretary Board of Management, Mysore Iron Works, Bhadravati.
The Chief Conservator of Forests.
The Deputy Commissioners of Districts.
The Secretaries to Government.

*Printed as an annexure.

ANNEXURE.

No. F. 494-I/24, Dated the 19th June 1930, from the Political Secretary to the Government of India, Foreign and Political Department.

RESOLUTION.

SUBJECT:--Construction of tramways, other than purely urban tramways, in Indian States.

The Government of India have had under consideration the question of the revision of the principles governing the construction of tramways, other than purely urban tramways, in Indian States. A summary of the existing principles was referred to the Standing Committee of the Chamber of Princes in January 1924 and as a result of discussion a revised summary was prepared which after being accepted by the Chamber of Princes in November 1924 was referred to Local Governments, Political Officers and Darbars for their views upon it. After receipt and consideration of these views, the summary was further amended and referred to the Standing Committee on the 15th September 1925 and 6th September 1926. The summary as amended by the Standing Committee on the 6th September 1926 was further amended by them in December 1927 and placed before the Chamber of Princes in February 1928, when it was proposed that it should be referred again for further consideration to the Standing Committee. It was accordingly again considered by the Standing Committee in January 1929, and, with certain amendments, was accepted by the Chamber of Princes. The Government of India are accordingly pleased, in supersession of their previous orders on the subject, to announce their policy in this matter for the future, as follows:--

The Indian States are entitled to construct tramways within their own territories subject to the following principles:--

I. If the tramway connects with any line of railway in such a manner as to permit of rolling stock being shunted from one to the other, it will be regarded as a railway and will be governed by the principles which apply to the construction of railways in Indian States.

II. The existence of a tramway will not debar the subsequent construction of a railway either by Government or by a State, even on approximately the same alignment, in accordance with the principles laid down in Foreign and Political Department resolution No.202-I., dated the 6th December 1923, regarding the construction of railways in Indian States.

III. With regard to the claims for compensation against new tramways constructed after the date of the resolution for existing railways or tramways, the rules in force at present, will continue to operate.

IV. The compensation payable by new tramways constructed after the date of the resolution to railways or tramways constructed in future will be governed by the following rules:—

(a) A new tramway will not be called upon to pay compensation to a previously existing tramway or railway in the following cases:—

(i) Where the new tramway does not extend beyond the territories of the State which constructs it and is not connected with any tramway or railway in another State, except where there is a special agreement to the contrary.

(ii) Where a special agreement, legally applicable to the particular case under consideration, provides against the payment of such compensation.

(b) In the event of a new tramway, constructed either by Government or by a State and not exempted under preceding sub-clause (a), adversely affecting the interest of a previously existing railway or a tramway, the question of the compensation payable and the method of payment will be settled by mutual agreement between the Government of India and the State where Government is one of the affected parties (that is, where Government is the owner of the new tramway or of the adversely affected existing railway or tramway), or in case of a difference by arbitration. In the event of arbitration each party shall appoint an arbitrator. Should the arbitrators be unable to agree they shall appoint an umpire whose decision shall be final. If both or all parties affected are Indian States the question of compensation will be decided by the Government of India, or, if the States concerned agree, by arbitration, in accordance with the method detailed above.

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